

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 317

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING DETENTION OF VEHICLES FOR
FAILURE TO PAY WEIGHT DISTANCE TAX; PROVIDING INCREASED
PENALTIES FOR VIOLATIONS OF WEIGHT LIMITATIONS AND FOR FAILURE
TO STOP AT EVERY PORT OF ENTRY AND TO CARRY A TAX
IDENTIFICATION PERMIT OR A PERMIT FOR EXCESSIVE SIZE OR WEIGHT;
PROVIDING FOR COMPLIANCE WITH FEDERAL COMMERCIAL DRIVER'S
LICENSE REGULATIONS REGARDING CONVICTION FOR VIOLATION OF
TRAFFIC LAWS; REQUIRING DOMICILE IN NEW MEXICO TO RECEIVE A
COMMERCIAL DRIVER'S LICENSE; AMENDING AND ENACTING SECTIONS OF
THE NEW MEXICO COMMERCIAL DRIVER'S LICENSE ACT; INCREASING THE
LENGTH LIMITATION FOR BUSES OPERATING ON NATIONAL NETWORK
HIGHWAYS AND COMBINATION VEHICLES OR SADDLE-MOUNT VEHICLES THAT
ARE SPECIALIZED EQUIPMENT; PERMITTING THE DEPARTMENT OF PUBLIC
SAFETY TO ISSUE RULES THAT DETERMINE LENGTH AND WEIGHT
LIMITATIONS; RESTRICTING APPLICATION OF MAXIMUM DRIVING AND ON-

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1 DUTY TIME VIOLATION PENALTIES TO A PASSENGER CARRIER
2 TRANSPORTATION; PROVIDING ADDITIONAL MAXIMUM DRIVING AND ON-
3 DUTY TIME PENALTIES.

4
5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

6 Section 1. Section 65-1-26 NMSA 1978 (being Laws 1967,
7 Chapter 97, Section 16, as amended) is amended to read:

8 "65-1-26. DOCUMENTS--REQUIRED IN EACH COMMERCIAL MOTOR
9 CARRIER VEHICLE--DETENTION OF VEHICLES.--

10 A. [~~Every~~] A commercial motor carrier vehicle
11 operated on [~~any~~] a New Mexico public highway by a motor
12 carrier required to be registered with the department shall
13 have in it at all times:

14 (1) proof of payment of the trip tax; or

15 (2) both evidence of registration and a tax
16 identification [~~card~~] permit issued by the department.

17 B. The driver of the vehicle [~~must~~] shall be able
18 to display either proof of payment of the trip tax or both the
19 evidence of registration and the tax identification [~~card~~]
20 permit upon request by any law enforcement officer or any
21 employee of the department.

22 C. Upon failure of the driver to display either
23 proof of payment of the trip tax or evidence of registration,
24 it shall be presumed that the vehicle is subject to
25 registration under the laws of New Mexico unless it can be

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1 demonstrated that the vehicle is exempt from registration
 2 requirements of the Motor Vehicle Code. A vehicle presumed
 3 subject to registration may be detained until registration,
 4 including payment of all required fees, is completed.

5 D. Upon failure of the driver to display either
 6 proof of payment of the trip tax or a tax identification [~~card~~]
 7 permit issued by the department, the trip tax shall be presumed
 8 due. A vehicle presumed subject to the trip tax may be
 9 detained until the trip tax is paid.

10 E. A commercial motor carrier vehicle subject to
 11 and not in compliance with the weight distance requirements of
 12 the Weight Distance Tax Act may be detained until the tax is
 13 paid. A nonfiler or zero-filer status or an inactive weight
 14 distance account is proof of failure to pay the weight distance
 15 tax."

16 Section 2. Section 65-1-36 NMSA 1978 (being Laws 1978,
 17 Chapter 16, Section 1, as amended) is amended to read:

18 "65-1-36. PENALTY FOR VIOLATIONS OF ACT.--

19 A. Violation of Section [~~65-1-12 or~~] 65-5-1, 65-5-2
 20 or 66-3-1.1 NMSA 1978 is a misdemeanor punishable by a fine of
 21 not less than one hundred dollars (\$100) or more than five
 22 hundred dollars (\$500) or imprisonment not exceeding ninety
 23 days or by both the fine and imprisonment.

24 B. Violation of any section of the Motor
 25 Transportation Act other than a violation of Section [~~65-1-12~~]

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1 65-1-26, 65-1-36.1 ~~[or]~~, 66-5-1, 65-5-2 or 66-3-1.1 NMSA 1978
2 or of the Motor Carrier Safety Act is a misdemeanor punishable
3 by a fine of not more than one hundred dollars (\$100) or by
4 imprisonment not exceeding thirty days or by both the fine and
5 imprisonment or is subject to the penalty assessment and fee
6 provisions pursuant to Sections 66-8-116 through 66-8-116.3
7 NMSA 1978.

8 C. The payment of a fine under the provisions of
9 any act under the jurisdiction of the department pursuant to
10 the Motor Transportation Act shall not relieve the offender
11 from the payment of any fees or taxes or from any other of the
12 provisions of the Motor Transportation Act.

13 D. The department may ~~[also]~~, for the proper
14 enforcement of the duties imposed upon the department pursuant
15 to the Motor Transportation Act, detain any motor vehicle whose
16 operator or owner is in violation of any law the department is
17 empowered under the Motor Transportation Act to administer or
18 enforce."

19 Section 3. Section 65-5-2 NMSA 1978 (being Laws 1943,
20 Chapter 125, Section 9, as amended) is amended to read:

21 "65-5-2. PROOF OF COMPLIANCE--SCHEDULE OF PENALTIES.--
22 Except as otherwise provided in this section, ~~[no]~~ a commercial
23 motor carrier vehicle having a gross vehicle weight or
24 combination gross vehicle weight of over twenty-six thousand
25 pounds shall not travel on New Mexico highways without either

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1 proof that the trip tax has been paid for the movement of the
 2 vehicle or both evidence of registration and a tax
 3 identification [~~card~~] permit issued by the department, unless
 4 that vehicle is exempt from the weight distance tax. The
 5 department may, by regulation, exempt portions of a highway
 6 from the requirements of this section if those portions are
 7 prior to reaching a port of entry where the trip tax may be
 8 paid."

9 Section 4. Section 66-3-1.1 NMSA 1978 (being Laws 1978,
 10 Chapter 18, Section 1, as amended) is amended to read:

11 "66-3-1.1. MOTOR CARRIERS REQUIRED TO REGISTER WITH THE
 12 DEPARTMENT.--

13 A. All motor carriers desiring and eligible for
 14 annual registration provisions relating to proportional
 15 registration or full reciprocity shall register their vehicles
 16 with the department. The department shall register all motor
 17 carriers who satisfy all New Mexico requirements relating to
 18 motor carriers, but [~~after September 30, 1984~~] may refuse to
 19 register any vehicle subject to the federal heavy vehicle use
 20 tax imposed by Section 4481 of the United States Internal
 21 Revenue Code of 1986 without proof of payment of such tax in
 22 the form prescribed by the secretary of the treasury of the
 23 United States. Registration of motor carrier vehicles with the
 24 department shall remain in force during the calendar
 25 registration year as specified in Section 65-1-13 or 66-3-2.1

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1 NMSA 1978 unless suspended or canceled by the department for
2 noncompliance with any New Mexico motor vehicle or motor
3 carrier requirements.

4 B. In addition to the provisions of Subsection A of
5 this section, motor carriers operating vehicles subject to the
6 weight distance tax pursuant to the Weight Distance Tax Act or
7 vehicles subject to special fuel user permit requirements
8 pursuant to the Special Fuels Supplier Tax Act shall apply for
9 a tax identification [~~card~~] permit."

10 Section 5. Section 66-3-3.1 NMSA 1978 (being Laws 1992,
11 Chapter 106, Section 7, as amended) is amended to read:

12 "66-3-3.1. TAX IDENTIFICATION [~~CARD~~] PERMIT.--The
13 department shall implement a system for identifying motor
14 carriers subject to the weight distance tax and special fuel
15 user permit requirements, including an identifying number for
16 each motor carrier covered by the system. Annually, the
17 department shall issue one or more original tax identification
18 [~~cards~~] permits sufficient for the number of vehicles specified
19 by each motor carrier who applies for a tax identification
20 [~~card~~] permit; provided that the motor carrier continues to be
21 subject to and in compliance with the weight distance tax and
22 special fuel user permit requirements. The tax identification
23 [~~card~~] permit shall contain the department's identifying number
24 for the motor carrier and other information that the department
25 deems necessary."

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1 Section 6. A new section of the New Mexico Commercial
2 Driver's License Act is enacted to read:

3 "[NEW MATERIAL] VIOLATION CONVICTIONS--IMPROPER TO MASK,
4 DEFER OR DIVERT.--No person shall mask or defer imposition of
5 judgment of a conviction of a traffic control law violation,
6 except a parking violation, committed by a holder of a
7 commercial driver's license or allow a holder of a commercial
8 driver's license to enter a diversion program upon conviction
9 of a traffic control law violation, except a parking violation,
10 that would prevent a commercial driver's license holder's
11 conviction, in any motor vehicle, from appearing on the
12 licensee's driving record, regardless of the state in which the
13 conviction occurred."

14 Section 7. Section 66-5-54 NMSA 1978 (being Laws 1989,
15 Chapter 14, Section 3, as amended) is amended to read:

16 "66-5-54. DEFINITIONS.--As used in the New Mexico
17 Commercial Driver's License Act:

18 A. "commerce" means:

19 (1) trade, traffic or transportation within
20 the jurisdiction of the United States between a place in New
21 Mexico and a place outside of New Mexico, including a place
22 outside of the United States; and

23 (2) trade, traffic or transportation in the
24 United States that affects any trade, traffic or transportation
25 described in Paragraph (1) of this subsection;

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1 B. "commercial driver's license information system"
2 means the information system created pursuant to the federal
3 Commercial Motor Vehicle Safety Act of 1986 that contains
4 information pertaining to operators of commercial motor
5 vehicles;

6 C. "commercial motor vehicle" means a motor vehicle
7 or combination of motor vehicles used in commerce to transport
8 passengers or property if the motor vehicle:

9 (1) has a gross combination weight rating of
10 more than twenty-six thousand pounds inclusive of a towed unit
11 with a gross vehicle weight rating of more than ten thousand
12 pounds;

13 (2) has a gross vehicle weight rating of more
14 than twenty-six thousand pounds;

15 (3) is designed to transport sixteen or more
16 passengers, including the driver; or

17 (4) is of any size and is used in the
18 transportation of hazardous materials, which requires the motor
19 vehicle to be placarded under applicable law;

20 D. "director" means the director of the motor
21 vehicle division of the department;

22 E. "disqualification" means:

23 (1) a suspension, revocation or cancellation
24 of a commercial driver's license by the state or jurisdiction
25 that issued the commercial driver's license;

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1 (2) a withdrawal of a person's privileges to
2 drive a commercial motor vehicle by a state or other
3 jurisdiction as the result of a violation of state or local law
4 relating to motor vehicle control other than a parking, vehicle
5 weight or vehicle defect violation; and

6 (3) a determination by the federal motor
7 carrier safety administration that a person is not qualified to
8 operate a motor vehicle;

9 F. "division" means the motor vehicle division of
10 the department;

11 G. "driving a commercial motor vehicle while under
12 the influence of alcohol" means:

13 (1) driving a commercial motor vehicle while
14 the driver has an alcohol concentration in the driver's blood
15 or breath of four one hundredths or more;

16 (2) driving a commercial motor vehicle while
17 the driver is under the influence of intoxicating liquor; or

18 (3) refusal to submit to chemical tests
19 administered pursuant to Section 66-8-107 NMSA 1978;

20 H. "employee" means an operator of a commercial
21 motor vehicle, including full-time, regularly employed drivers;
22 casual, intermittent or occasional drivers; leased drivers; and
23 independent owner-operator contractors, while in the course of
24 operating a commercial motor vehicle, who is either directly
25 employed by or under lease to an employer;

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1 I. "employer" means a person, including the United
2 States, a state and a political subdivision of a state or their
3 agencies or instrumentalities, that owns or leases a commercial
4 motor vehicle or assigns employees to operate such a vehicle;

5 J. "fatality" means the death of a person as a
6 result of a motor vehicle accident;

7 K. "gross combination weight rating" means the
8 value specified by the manufacturer as the loaded weight of a
9 combination vehicle. In the absence of a value specified by
10 the manufacturer, gross combination weight rating shall be
11 determined by adding the gross vehicle weight rating of the
12 power unit and the total weight of the towed unit or units and
13 any load thereon;

14 L. "gross vehicle weight rating" means the value
15 specified by the manufacturer as the loaded weight of a single
16 vehicle;

17 M. "imminent hazard" means a condition that
18 presents a substantial likelihood that death, serious illness,
19 severe personal injury or a substantial endangerment to health,
20 property or the environment will occur before the reasonable
21 foreseeable completion date of a formal proceeding to lessen
22 the risk of that death, illness, injury or endangerment;

23 N. "noncommercial motor vehicle" means a motor
24 vehicle or combination of motor vehicles that is not a
25 commercial motor vehicle;

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1 O. "nonresident commercial driver's license" means
2 a commercial driver's license issued by another state to a
3 person domiciled in that state or by a foreign country to a
4 person domiciled in that country;

5 P. "out-of-service order" means a declaration by an
6 authorized enforcement officer of a federal, state, Canadian,
7 Mexican or local jurisdiction that a driver, a commercial motor
8 vehicle or a motor carrier operation is temporarily prohibited
9 from operating;

10 Q. "railroad-highway grade crossing violation"
11 means a violation of a provision of Section 66-7-341 or
12 66-7-343 NMSA 1978 or a violation of federal or local law or
13 rule pertaining to stopping at or crossing a railroad-highway
14 grade crossing; [~~and~~]

15 R. "serious traffic violation" means conviction of
16 any of the following if committed when operating a motor
17 vehicle:

18 (1) speed of fifteen miles or more per hour
19 above the posted limits;

20 (2) reckless driving as defined by Section
21 66-8-113 NMSA 1978 or a municipal ordinance or the law of
22 another state;

23 (3) homicide by vehicle, as defined in Section
24 66-8-101 NMSA 1978;

25 (4) injury to pregnant woman by vehicle as

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1 defined in Section 66-8-101.1 NMSA 1978 or a municipal
2 ordinance or the law of another state;

3 (5) any other violation of law relating to
4 motor vehicle traffic control, other than a parking violation,
5 that the secretary determines by regulation to be a serious
6 traffic violation. "Serious traffic violation" does not
7 include a vehicle weight or vehicle defect violation;

8 (6) improper or erratic lane changes in
9 violation of Section 66-7-317 NMSA 1978;

10 (7) following another vehicle too closely in
11 violation of Section 66-7-318 NMSA 1978;

12 (8) directly or indirectly causing death or
13 great bodily injury to a human being in the unlawful operation
14 of a motor vehicle in violation of Section 66-8-101 NMSA 1978;

15 (9) driving a commercial motor vehicle without
16 possession of a commercial driver's license in violation of
17 Section 66-5-59 NMSA 1978;

18 (10) driving a commercial motor vehicle
19 without the proper class of commercial driver's license and
20 endorsements pursuant to Section 66-5-65 NMSA 1978 and the
21 Motor Carrier Safety Act for the specific vehicle group
22 operated or for the passengers or type of cargo transported; or

23 (11) driving a commercial motor vehicle
24 without obtaining a commercial driver's license in violation of
25 Section 66-5-59 NMSA 1978; and

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1 S. "state of domicile" means the state where a
 2 person has a true, fixed and permanent home and principal
 3 residence and to which the person has the intention of
 4 returning whenever the person has been absent from that state."

5 Section 8. Section 66-5-60 NMSA 1978 (being Laws 1989,
 6 Chapter 14, Section 9, as amended) is amended to read:

7 "66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--
 8 STANDARDS.--

9 A. The division shall not issue a commercial
 10 driver's license to a person unless that person [~~is a resident~~
 11 ~~of New Mexico~~] can establish that New Mexico is the person's
 12 state of domicile and has passed a knowledge and skills test
 13 for driving a commercial motor vehicle and for related
 14 endorsements, has passed a medical fitness test and has
 15 satisfied any other requirements of the New Mexico Commercial
 16 Driver's License Act.

17 B. The division may authorize a person, including
 18 an agency of this or another state, an employer, a private
 19 driver-training facility or other private institution or a
 20 department, agency or instrumentality of local government to
 21 administer the skills test specified by this section.

22 C. The director may waive the requirement of any
 23 test specified in this section for a commercial driver's
 24 license applicant who complies with the other provisions of the
 25 New Mexico Commercial Driver's License Act through any

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1 pertinent rules, regulations or contractual agreements with the
2 public education department, other governments or private
3 entities.

4 D. A commercial driver's license applicant shall
5 not take a test specified in this section more than three times
6 within one year.

7 E. If the department determines that a commercial
8 driver's license applicant has committed an offense in taking a
9 test specified in this section, the division shall not issue a
10 commercial driver's license to that applicant within one year
11 of the department's determination."

12 Section 9. Section 66-7-404 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 475, as amended) is amended to read:

14 "66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS--
15 EXCEPTION FOR RULES ISSUED BY THE DEPARTMENT OF PUBLIC
16 SAFETY.--

17 A. ~~[Nø]~~ A vehicle shall not exceed a height of
18 fourteen feet.

19 B. ~~[Nø]~~ A vehicle shall not exceed a length of
20 forty feet extreme overall dimension and no motor home shall
21 exceed a length of forty-five feet extreme overall dimension,
22 exclusive of front and rear bumpers, except when operated in
23 combination with another vehicle as provided in this section.

24 ~~[Nø]~~ A bus may exceed a length of forty-five feet when
25 operating on national network highways. A combination of

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1 vehicles, unless otherwise exempted in this section, shall not
 2 exceed an overall length of sixty-five feet, exclusive of front
 3 and rear bumpers.

4 C. ~~[No]~~ A combination of vehicles coupled together
 5 shall not consist of more than two units, except:

6 (1) a truck tractor and semitrailer shall be
 7 permitted to pull one trailer;

8 (2) a vehicle shall be permitted to pull two
 9 units, provided that the middle unit is equipped with brakes
 10 and has a weight equal to or greater than the last unit and the
 11 total combined gross weight of the towed units does not exceed
 12 the manufacturer's stated gross weight of the towing units;

13 (3) a double or triple saddle-mount or fifth
 14 wheel mount of vehicles in transit by driveaway-towaway methods
 15 shall be permitted;

16 (4) vehicles and trailers operated by or under
 17 contract for municipal refuse systems;

18 (5) farm trailers, implements of husbandry and
 19 fertilizer trailers operated by or under contract to a farmer
 20 or rancher in ~~[his]~~ farming or ranching operations; and

21 (6) as provided in Subsections D ~~[and E]~~
 22 through G of this section.

23 D. Exclusive of safety and energy conservation
 24 devices, refrigeration units and other devices such as coupling
 25 devices, vehicles operating a truck tractor semitrailer or

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1 truck tractor semitrailer-trailer combinations on the
2 interstate highway system and those qualifying federal aid
3 primary system highways designated by the secretary of the
4 United States department of transportation, pursuant to the
5 [~~United States~~] federal Surface Transportation Assistance Act
6 of 1982, Public Law 97-424, Section 411, and on those highways
7 designated by the department by rule or regulation with the
8 concurrence of the [~~state highway and transportation~~] New
9 Mexico department of transportation may exceed an overall
10 length limitation of sixty-five feet, provided that the length
11 of the semitrailer in a truck tractor semitrailer combination
12 does not exceed fifty-seven feet six inches and the length of
13 the semitrailer or trailer in a truck tractor semitrailer-
14 trailer combination does not exceed twenty-eight feet six
15 inches. The department of public safety shall adopt rules and
16 regulations granting reasonable access to terminals, facilities
17 for food, fuel, repairs and rest and points of loading and
18 unloading for household goods carriers to vehicles operating in
19 combination pursuant to this subsection. As used in this
20 subsection, "truck tractor" means a non-cargo carrying power
21 unit designed to operate in combination with a semitrailer or
22 trailer, except that a truck tractor and semitrailer engaged in
23 the transportation of automobiles may transport motor vehicles
24 on part of the truck tractor.

25 E. The following combination vehicles are

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1 specialized equipment and may exceed an overall length of
 2 sixty-five feet pursuant to the Code of Federal Regulations,
 3 Title 23, Section 658.13:

4 (1) automobile transporters;
 5 (2) boat transporters;
 6 (3) beverage semitrailers; and
 7 (4) munitions carriers using dromedary
 8 equipment.

9 F. A saddle-mount vehicle is specialized equipment
 10 and may not exceed an overall length of ninety-seven feet
 11 pursuant to the Code of Federal Regulations, Title 23, Section
 12 658.13.

13 ~~[E.]~~ G. Notwithstanding any other subsection of
 14 this section, ~~any~~ a trailer or semitrailer combination of
 15 such dimensions as those that were in actual and lawful use in
 16 this state on December 1, 1982 may be lawfully operated on the
 17 highways of this state.

18 H. Notwithstanding the provisions of this section,
 19 the department of public safety may issue rules that determine
 20 length and weight limitations for specialized equipment,
 21 saddle-mount vehicles and other commercial motor vehicles."

22 Section 10. Section 66-7-411 NMSA 1978 (being Laws 1978,
 23 Chapter 35, Section 482, as amended) is amended to read:

24 "66-7-411. AUTHORIZED REPRESENTATIVE MAY WEIGH VEHICLES
 25 AND REQUIRE REMOVAL OF EXCESS LOADS--GRADUATED PENALTIES.--

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1 A. ~~[Any]~~ A police officer with the motor
2 transportation division or the New Mexico state police division
3 of the department of public safety, having reason to believe
4 that the weight of a vehicle and load is unlawful, may require
5 the driver to stop and submit to weighing of the vehicle and
6 load by means of either portable or stationary scales and may
7 require the vehicle to be driven to the nearest scales approved
8 by the department of public safety if the scales are within
9 five miles.

10 B. When a police officer with the motor
11 transportation division or the New Mexico state police division
12 of the department of ~~[the]~~ public safety or a transportation
13 inspector, upon weighing a vehicle or combination, determines
14 that the gross vehicle weight or combination gross vehicle
15 weight exceeds the maximum authorized by Sections 66-7-409 and
16 66-7-410 NMSA 1978, the officer or inspector shall require the
17 driver or owner of the vehicle or combination to unload that
18 portion of the load necessary to decrease the gross vehicle
19 weight or combination gross vehicle weight to the authorized
20 maximum.

21 C. ~~[Any]~~ A driver of a vehicle who fails or refuses
22 to stop and submit the vehicle and load to weighing or who
23 fails or refuses, when directed by a duly authorized police
24 officer with the motor transportation division or the New
25 Mexico state police division of the department of public safety

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1 or a transportation inspector, upon a weighing of the vehicle,
 2 to unload the vehicle and otherwise comply with the provisions
 3 of this section is guilty of a misdemeanor.

4 D. ~~[Any]~~ A shipper or ~~[any other]~~ a person loading
 5 the vehicle who intentionally overloads a vehicle ~~[which he]~~
 6 that the shipper or person has reason to believe will travel in
 7 that condition upon a public highway is guilty of a misdemeanor
 8 and shall be fined in accordance with Subsection E of this
 9 section.

10 E. In all cases of violations of weight
 11 limitations, the penalties shall be assessed and imposed in
 12 accordance with the following schedule:

13 WEIGHT OF EXCESS

14 LOAD IN POUNDS

AMOUNT OF FINE

15 1 to 3,000	[twenty-five dollars (\$25.00)]
16	<u>fifty dollars (\$50.00)</u>
17 3,001 to 4,000	[forty dollars (\$40.00)]
18	<u>eighty dollars (\$80.00)</u>
19 4,001 to 5,000	[seventy-five dollars (\$75.00)]
20	<u>one hundred fifty dollars (\$150)</u>
21 5,001 to 6,000	[one hundred twenty-five dollars (\$125)]
22	<u>two hundred fifty dollars (\$250)</u>
23 6,001 to 7,000	[two hundred dollars (\$200)]
24	<u>four hundred dollars (\$400)</u>
25 7,001 to 8,000	[two hundred seventy-five dollars (\$275)]

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1 five hundred dollars (\$500)
2 8,001 to 9,000 [~~three hundred fifty dollars (\$350)~~]
3 seven hundred dollars (\$700)
4 9,001 to 10,000 [~~four hundred twenty-five dollars (\$425)~~]
5 eight hundred fifty dollars (\$850)
6 over 10,000 [~~five hundred dollars (\$500)~~]
7 one thousand dollars (\$1,000)."

8 Section 11. Section 66-8-116 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 524, as amended) is amended to read:

10 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
11 DEFINITION--SCHEDULE OF ASSESSMENTS.--

12 A. As used in the Motor Vehicle Code, "penalty
13 assessment misdemeanor" means violation of any of the following
14 listed sections of the NMSA 1978 for which, except as provided
15 in [~~Subsection~~] Subsections D and E of this section, the listed
16 penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed		
minor to drive	66-5-40	\$ 10.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to and including		
ten miles an hour		
over the speed limit		15.00

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1	(2) from eleven up to		
2	and including fifteen		
3	miles an hour		
4	over the speed limit		30.00
5	(3) from sixteen up to		
6	and including twenty		
7	miles an hour over the		
8	speed limit		65.00
9	(4) from twenty-one up to		
10	and including twenty-five		
11	miles an hour		
12	over the speed limit		100.00
13	(5) from twenty-six up to		
14	and including thirty		
15	miles an hour over the		
16	speed limit		125.00
17	(6) from thirty-one up to		
18	and including thirty-five		
19	miles an hour over the		
20	speed limit		150.00
21	(7) more than thirty-five		
22	miles an hour over the		
23	speed limit		200.00
24	Unfastened safety belt	66-7-372	25.00
25	Child not in restraint device		

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1	or seat belt	66-7-369	25.00
2	Minimum speed	66-7-305	10.00
3	Speeding	66-7-306	15.00
4	Improper starting	66-7-324	10.00
5	Improper backing	66-7-354	10.00
6	Improper lane	66-7-308	10.00
7	Improper lane	66-7-313	10.00
8	Improper lane	66-7-316	10.00
9	Improper lane	66-7-317	10.00
10	Improper lane	66-7-319	10.00
11	Improper passing	66-7-309 through 66-7-312	10.00
12	Improper passing	66-7-315	10.00
13	Controlled access		
14	violation	66-7-320	10.00
15	Controlled access		
16	violation	66-7-321	10.00
17	Improper turning	66-7-322	10.00
18	Improper turning	66-7-323	10.00
19	Improper turning	66-7-325	10.00
20	Following too closely	66-7-318	10.00
21	Failure to yield	66-7-328 through 66-7-331	10.00
22	Failure to yield	66-7-332	50.00
23	Failure to yield	66-7-332.1	25.00
24	Pedestrian violation	66-7-333	10.00
25	Pedestrian violation	66-7-340	10.00

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1	Failure to stop	66-7-342 and 66-7-344	
2		through 66-7-346	10.00
3	Railroad-highway grade		
4	crossing violation	66-7-341 and 66-7-343	10.00
5	Passing school bus	66-7-347	100.00
6	Failure to signal	66-7-325 through 66-7-327	10.00
7	Failure to secure load	66-7-407	100.00
8	Operation without oversize-		
9	overweight permit	66-7-413	50.00
10	Improper equipment	66-3-801	10.00
11	Improper equipment	66-3-901	20.00
12	Improper emergency		
13	signal	66-3-853 through 66-3-857	10.00
14	Operation interference	66-7-357	5.00
15	Littering	66-7-364	300.00
16	Improper parking	66-7-349 through 66-7-352	
17		and 66-7-353	5.00
18	Improper parking	66-7-352.5	50.00
19	Improper parking	66-3-852	5.00
20	Failure to dim lights	66-3-831	10.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	5.00
23	Improper opening of doors	66-7-367	5.00
24	No slow-moving vehicle		
25	emblem or flashing		

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1 Section 12. Section 66-8-116.1 NMSA 1978 (being Laws
2 1989, Chapter 319, Section 12) is amended to read:

3 "66-8-116.1. PENALTY ASSESSMENT MISDEMEANORS--OVERSIZE
4 LOAD.--As used in the Motor Vehicle Code and the Motor Carrier
5 Act, "penalty assessment misdemeanor" means, in addition to the
6 definition of that term in Section 66-8-116 NMSA 1978,
7 violation of the following listed sections of the NMSA 1978 for
8 which the listed penalty is established:

9	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
10	Oversize load		
11	1,000 to 3,000 pounds	66-7-411	\$ [25.00] <u>50.00</u>
12	Oversize load		
13	3,001 to 4,000 pounds	66-7-411	[40.00] <u>80.00</u>
14	Oversize load		
15	4,001 to 5,000 pounds	66-7-411	[75.00] <u>150.00</u>
16	Oversize load		
17	5,001 to 6,000 pounds	66-7-411	[125.00] <u>250.00</u>
18	Oversize load		
19	6,001 to 7,000 pounds	66-7-411	[200.00] <u>400.00</u>
20	Oversize load		
21	7,001 to 8,000 pounds	66-7-411	[275.00] <u>550.00</u>
22	Oversize load		
23	8,001 to 9,000 pounds	66-7-411	[350.00] <u>700.00</u>
24	Oversize load		
25	9,001 to 10,000 pounds	66-7-411	[425.00] <u>850.00</u>

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1 Oversize load
2 over 10,000 pounds 66-7-411 [~~500.00~~] 1,000.00."

3 Section 13. Section 66-8-116.2 NMSA 1978 (being Laws
4 1989, Chapter 319, Section 13, as amended) is amended to read:

5 "66-8-116.2. PENALTY ASSESSMENT MISDEMEANORS--MOTOR
6 CARRIER ACT.--As used in the Motor Vehicle Code and the Motor
7 Carrier Act, "penalty assessment misdemeanor" means, in
8 addition to the definitions of that term in Sections 66-8-116
9 and 66-8-116.1 NMSA 1978, violation of the following listed
10 sections of the NMSA 1978 for which, except as provided in
11 Subsection E of this section, the listed penalty is
12 established:

13 A. GENERAL

14 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

15 Failure to register

16 motor carrier [~~65-1-12~~] 66-3-1.1 \$~~[100.00]~~
17 300.00

18 Failure to carry tax
19 identification [~~card~~]

20 permit 65-1-26 50.00

21 Failure to comply with

22 public regulation

23 commission rules and

24 regulations [~~Section 7 of~~

25 ~~the Motor Carrier Act]~~ 65-2A-7 50.00

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underscored material = new
[bracketed material] = delete

1 Failure to
 2 carry single state
 3 registration receipt issued
 4 by a base state [Section 7 of
 5 ~~the Motor Carrier Act~~] 65-2A-7 50.00

6 Failure to stop at
 7 designated
 8 registration place 65-5-1 100.00

9 Failure to obtain
 10 proper clearance
 11 certificates 65-5-3 100.00.

12 B. VEHICLE OUT-OF-SERVICE VIOLATIONS

13 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

14 Absence of braking action 65-3-9 \$100.00

15 Damaged brake lining or pads 65-3-9 50.00

16 Loose or missing brake
 17 components 65-3-12 100.00

18 Inoperable breakaway braking
 19 system 65-3-12 50.00

20 Defective or damaged brake
 21 tubing 65-3-12 50.00

22 Inoperative low pressure
 23 warning device 65-3-9 50.00

24 Reservoir pressure not
 25 maintained 65-3-12 100.00

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underscored material = new
 [bracketed material] = delete

HJC/HB 317

1	Inoperative tractor		
2	protection valve	65-3-9	100.00
3	Damaged or loose air		
4	compressor	65-3-12	100.00
5	Audible air leak at brake		
6	chamber	65-3-12	50.00
7	Defective safety devices--		
8	chains or hooks	65-3-9	100.00
9	Defective towing or coupling		
10	devices	65-3-9	100.00
11	Defective exhaust systems	65-3-9	30.00
12	Frame defects--trailers	65-3-12	100.00
13	Frame defects--other	65-3-9	100.00
14	Defective fuel systems	65-3-9	50.00
15	Missing or inoperative		
16	lamps	65-3-9	25.00
17	Missing lamps on projecting		
18	loads	65-3-9	50.00
19	Missing or inoperative		
20	turn signal	65-3-9	25.00
21	Unsafe loading	65-3-8	100.00
22	Excessive steering wheel		
23	play	65-3-9	100.00
24	Steering column defects	65-3-9	100.00
25	Steering box or steering		

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1	system defects	65-3-9	100.00
2	Suspension system defects	65-3-9	50.00
3	Defective springs or spring		
4	assembly	65-3-9	50.00
5	Defective tires--steering		
6	axle	65-3-9	100.00
7	Defective tires--other axles	65-3-9	30.00
8	Defective wheels and rims	65-3-9	50.00
9	Defective or missing		
10	windshield wipers	65-3-9	30.00
11	Defective or inoperative		
12	emergency exit--bus	65-3-9	100.00.

C. DRIVER OUT-OF-SERVICE VIOLATIONS

14	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
15	Driver's age	65-3-7	\$ 30.00
16	Driver not licensed for		
17	type of vehicle being		
18	operated	65-3-7	30.00
19	Failure to have valid		
20	commercial driver's license		
21	in possession	66-5-59	30.00
22	No waiver of physical		
23	disqualification		
24	in possession	65-3-7	30.00
25	Sickness or fatigue	65-3-8	100.00

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1	Driver disqualification	65-3-7	500.00
2	Exceeding the 10-hour		
3	driving rule <u>for</u>		
4	<u>passenger carrier</u>		
5	<u>transportation</u>	65-3-11	100.00
6	<u>Exceeding the 11-hour</u>		
7	<u>driving rule for property</u>		
8	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
9	<u>Exceeding the 14-hour on</u>		
10	<u>duty rule for property</u>		
11	<u>carrier transportation</u>	<u>65-3-11</u>	<u>100.00</u>
12	Exceeding the 15-hour on		
13	duty rule <u>for passenger</u>		
14	<u>carrier transportation</u>	65-3-11	100.00
15	Exceeding the 60 hours in 7		
16	days on duty rule	65-3-11	100.00
17	Exceeding <u>the</u> 70 hours in 8		
18	days on duty rule	65-3-11	100.00
19	False log book	65-3-11	100.00
20	<u>No log book</u>	<u>65-3-11</u>	<u>100.00</u>
21	<u>No record for previous</u>		
22	<u>7 days</u>	<u>65-3-11</u>	<u>100.00.</u>

D. HAZARDOUS MATERIALS OUT-OF-SERVICE VIOLATIONS

24	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
25	Placarding violations	65-3-13	\$250.00

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underscoring material = new
[bracketed material] = delete

1	Cargo tank not meeting		
2	specifications	65-3-13	250.00
3	Internal valve operation		
4	violations	65-3-13	250.00
5	Hazardous materials		
6	packaging violations	65-3-13	250.00
7	Insecure load--hazardous		
8	materials	65-3-13	250.00
9	Shipping papers violations	65-3-13	30.00
10	Shipment of forbidden		
11	combination of hazardous		
12	materials	65-3-13	250.00
13	No hazardous waste manifest	65-3-13	30.00
14	Bulk packaging marking		
15	violations	65-3-13	30.00
16	Cargo tank marking violations	65-3-13	30.00.

17 E. Upon a second acceptance of a penalty assessment
18 or a second conviction for failure to stop at a port of entry
19 or inspection station pursuant to Section 65-5-1 NMSA 1978,
20 the penalty assessment shall be two hundred fifty dollars
21 (\$250). Upon a third or subsequent acceptance of a penalty
22 assessment or a third or subsequent conviction, the penalty
23 assessment shall be five hundred dollars (\$500)."

24 Section 14. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2006.

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